

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 BUDD REESE,

5 Plaintiff,

6 v.

7 ROBERT FOXFULKER, et al.,

8 Defendants.  
9

Case No. 2:17-cv-01627-MMD-CWH

**ORDER**

10 Presently before the court is plaintiff Budd Reese's motion to strike (ECF No. 29), filed  
11 on March 13, 2019. The court construes plaintiff's motion as a request to terminate defendant  
12 Utilization Board ("the Board") from this case. Under Rule 41 of the Federal Rules of Civil  
13 Procedure, "plaintiff may dismiss an action without a court order by filing . . . a notice of  
14 dismissal before the opposing party serves either an answer or a motion for summary judgment . .  
15 . ." Fed. R. Civ. P. 41(a)(1)(A)(i). Given that the Board has not appeared in this case, the court  
16 will instruct the clerk of court to terminate the Board from this action.

17 IT IS THEREFORE ORDERED that plaintiff Budd Reese's motion to strike (ECF No.  
18 29) is GRANTED.

19 IT IS FURTHER ORDERED that the Clerk of Court must terminate the Utilization Board  
20 from this action.

21  
22 DATED: March 27, 2019

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25 C.W. HOFFMAN, JR.  
26 UNITED STATES MAGISTRATE JUDGE  
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